IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

**APPEAL FROM ORDER NO.824 OF 2004**

Vincent Joseph Mendes )..Appellant

Versus

Karan Amersen Goragandhi and others )..Respondents (Org.Defendants)

Mr.P.K.Dhakephalkar with Mr.V.S.Kapse for the Appellant.

Mr.Arif Bookwala i/b.M/s.Pandya Gandhi & Co. for Respondent No.1

Mr.J.N.Panchal, Court Receiver's representative present.

**CORAM: SMT.NISHITA MHATRE, J.**

**DATED: 4TH NOVEMBER 2004**

**P.C.:**

. Admit. By consent, Appeal called out and heard finally at the stage of admission.

2. By an order of 16th September 2004, pending the consideration of the maintainability of the Appeal, this Court had appointed Court Receiver and permitted the Appellant to act as agent of the Court Receiver subject to the compliance of usual formalities. The Court Receiver has fixed the ad-hoc royalty at Rs.50,000/-. The Appellant was directed to pay the ad-hoc royalty including the arrears by 21st Octobe 2004 which is not

paid in view of the pending litigation.

3. The arrears of ad-hoc royalty fixed must be paid by the Appellant within two weeks from today and shall execute the agency agreement before 22nd November 2004. The Court Receiver will call for valuation report and fix the final royalty on the usual terms and conditions. The Appellant is directed to continue as agent of the Court Receiver. However, if the Appellant defaults in paying the arrears as stated above or any two consecutive instalments of royalty as fixed finally by the Court Receiver, the Appellant will be discontinued forthwith as the agent of the Court Receiver and Respondent No.1 will be appointed as agent on the same or better terms and conditions.

4. Appeal disposed of accordingly.

5. In view of the Appeal From Order being disposed of, nothing survives in Civil Application No.1124 of 2004 and the same is disposed of accordingly.

6. Parties and Court Receiver to act on an authenticated copy of this order.